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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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05/02/2001

Daryl Carvis Cromer

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11/16/2005

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EXAMINER

JACKSON, JENISE E

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/847,085	Applicant(s) CROMER ET AL.	
	Examiner Jenise E. Jackson	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/25/06
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. More specifically claims 4, 9, and 14 are rejected under 112 1st, because of the limitations of, “interrogating a plurality of boot devices in sequence according to a priority order until a boot device supplies password information to that of a trusted boot device”. The specification of on page 7, discloses the bios configuration routine is received, the bios software prompts the user to enter a configuration password. Thus, the user must manually enter the password in order to change the order of the boot devices. According to the claims 4, 9, and 14, the boot device supplies the password information. However, according to the specification in respect to the boot order the user supplies the password in order to change the order of the boot devices(see pg. 7).

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, claims 4, 9, and 14 are rejected under 112 2nd as failing to point

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out and distinctly claim subject matter. Claims are rejected under 112 2nd, for the limitation of, interrogating a plurality of boot devices in sequence according to a priority order until a boot device supplies password information to that of a trusted boot device”. The specification discloses the bios configuration routine is received; the bios software prompts the user to enter a configuration password. Thus, the user must manually enter the password in order to change the order of the boot devices(see pg. 7 of specification). However, according to the claims, the boot devices are interrogated in order/sequence to determine which boot device will supply the password information. This is not consistent with the specification. The password of the boot device is supplied by the user to change the order of the boot devices(see pg. 7).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 7-8, 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Pearce et al(6,484,308).

7. As per claims 1, 7, Pearce et al. discloses a method in a data processing system for maintaining security during booting of the data processing system(see col. 2, lines 5-10), during a boot process, interrogating a boot device(i.e. hard disk) for password information (see col. 2, lines 13-16); and in response to the boot device supplying password information corresponding to that of a trusted boot device, booting the data processing system utilizing the boot device(see

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col. 3, lines 38-67), wherein the booting includes booting the data processing system utilizing the boot device without entry of any of the password information corresponding to that of a trusted boot device by a human user(see col. 3, lines 38-67).

8. As per claims 2, 8, 13, Pearce discloses the password information of the boot device is used which is the manufacturer id, and drive serial number(see col. 3, lines 58-61).

9. As per claim 3, Pearce et al. discloses wherein interrogating the boot device for password information includes startup software interrogating the boot device(see col. 2, lines 13-16).

10. As per claim 7, it is rejected under the same basis as claim 1(see above). Also, Pearce et al. discloses a memory coupled to the processor for communication (see col. 3, lines 23-37), memory includes startup software(see col. 3, lines 35-37).

11. As per claim 12, it is rejected under the same basis as claim 1. Further, claim 12, discloses wherein the startup software causes a data processing system to interrogate the boot device(see col. 2, lines 16-20, col. 3, lines 39-51).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5-6, 10-11, 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pearce et al.

14. As per claims 5, 10, 15, Pearce et al. discloses storing a password in non-volatile storage of the data processing system, inherent in Pearce because Pearce discloses a hard disk(see col. 2,

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lines 16-20); and determining that the boot device has supplied password information corresponding to a trusted boot device(see col. 5, lines 18-26). However, Pearce does not disclose hashing(i.e. masking) password information and comparing the hashed password information with the stored password. It is well-known in the art, to hash password information and compare the hash password information with the stored password, the motivation to hash password information is that hashing provides data integrity, because the hash-value is protected.

15. As per claim 6, Pearce et al. discloses obtaining the password by interrogating the boot device for the password information with a password-protected configuration routine(see col. 2, lines 5-20, col. 3, lines 38-62).

16. As per claim 11, Pearce et al. discloses the startup software including a password protected configuration routine that obtains the password by interrogating the boot device for the password information(see col. 2, lines 16-20).

17. As per claim 16, limitations have already been addressed(see claim 3 and 6).

18. Claims 4, 9, and 14 are objected to as being rejected on base claims. Claims are objected to for the features of, “interrogating the boot devices for password information includes interrogating a

Response to Amendment

19. The Applicant states that Pearce does not teach or suggest interrogating a boot device for password information and in response to the boot device supplying password information corresponding to that of a trusted boot device, booting the data processing system. The Examiner disagrees with the Applicant. Pearce discloses a boot device(i.e. hard drive)(see col. 2, lines 5-10). The hard drive of Pearce is used to boot the system, only upon the unique drive

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identification and serial number (i.e. password), this is how the system of Pearce determines whether the boot device(i.e. hard drive) is a trusted boot device(see col. 2, lines 13-19).

20. The Applicant states that Pearce does not make any determination of whether or not the hard drive is a trusted boot device during the booting process. The Examiner disagrees with the Applicant. Pearce discloses that the hard drive includes a unique manufacturer identification number and drive serial number that is used in order to determine which boot device is used to boot the system of Pearce(see col. 3, lines 58-65, col. 4, lines 1-20).

21. The Applicant has remarks in regards to Herzi were persuasive. Herzi discloses changing the configuration settings by using a smart card(see col. 4, lines 40-42). The order of the boot devices are changed by using the smart card, and the order is stored on the smart card(see col. 5, lines 58-64). Herzi does not disclose interrogating the boot device in sequence of priority.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

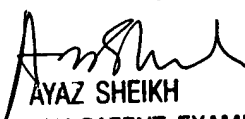
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



November 8, 2005



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